

Summary of Land Disposal Restrictions Treatment and Notification Requirements for Land Disposal Sites (On-Site or Off-Site)

OVERVIEW

Regulation 347 (Reg. 347) of the Revised Regulations of Ontario, 1990, made under the *Environmental Protection Act* (EPA), was amended in 2005 to establish a land disposal restrictions (LDR) program in Ontario. Under these rules, listed and characteristic hazardous wastes that are to be land disposed must be treated to meet prescribed treatment requirements prior to land disposal.

This fact sheet is designed to provide a brief, high level overview of the major actions required by land disposal sites to comply with LDR requirements. Additional details can be found in the Ministry's *Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste* ("Manual"), *LDR Handbook* and other fact sheets.

This fact sheet only addresses LDR treatment and notification requirements under Reg. 347. All other requirements under Reg. 347 that may be applicable to the management of these wastes (e.g., registration, manifesting, storage, and record keeping) also apply, including any requirements that are in a Certificate of Approval (CofA) held by the generator, carrier, waste receiver or land disposal site.

For the purpose of this fact sheet, the term **mixed hazardous waste** means a hazardous waste or mixture of hazardous wastes having a hazardous characterization that is found in Schedules 10, 11, 12 and 13 (hazardous wastes having land disposal treatment requirements taking effect on August 31, 2007) and a hazardous characterization that is not found in Schedules 10, 11, 12 and 13 (hazardous wastes having land disposal treatment requirements taking effect on December 31, 2009).

For the purpose of this fact sheet the term **small quantity generator** (SQG) means a generator who produces a total of less than 100 kilograms of hazardous industrial waste (H), hazardous waste chemical (B) and characteristic (corrosive (C), ignitable (I), reactive (R) and leachate toxic (T)) waste in any month.

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For the purpose of this fact sheet the term **fully treated characteristic waste** means characteristic wastes that have been treated, such that they no longer exhibit a hazardous characteristic, no longer meet the definitions of characteristic and hazardous waste and the concentration of all applicable regulated constituents are also below the Schedule 6 standards. Fully treated characteristic waste is considered non-subject waste.

The following actions will help receivers of waste at land disposal sites become familiar with the requirements of the LDR program:

LDR Notifications

1. Ensure that the waste disposal site receives a LDR Notification Form (simple notification for fully treated characteristic wastes) from a generator prior to the first shipment of a waste. The receiver of that waste must verify that the waste meets or has been treated to meet land disposal treatment requirements prior to disposal, with the following exception:
 - a.) Generators or processors, who treat and/or dispose of wastes meeting land disposal treatment requirements in an approved on-site land disposal facility, do not need to prepare a LDR Notification Form. (Section 84 of Reg. 347).

Prohibition of Disposal

1. Prohibit the land disposal of waste that is subject to land disposal treatment requirements until the waste meets or has been treated to meet the appropriate land disposal treatment requirements (Sections 75 to 79, 82 and 83 of Reg. 347). The exceptions are:
 - a.) Small quantity generator (SQG) waste that may be land disposed without treatment if the waste has been received in a properly sealed and certified container (Section 80 of Reg. 347), or
 - b.) Waste that meets the requirements in Section 81 of Reg. 347. These wastes are typically referred to as municipal hazardous or special waste (MHSW) and commonly known as household hazardous waste (HHW). MHSW depots may bulk similar wastes, but cannot process, mix or blend the MHSW. If the MHSW is received in accordance with Section 81 of Reg. 347, then the LDR treatment and notification requirements do not apply; however, there is an obligation for the owner of the waste to demonstrate at all times that the waste is subject to the Section 81 provisions of Reg. 347. See Section 6.3 of the LDR Handbook for potential methods on how to demonstrate that the waste is subject to the Section 81 provisions of Reg. 347.

Note:

- i.) An MHSW depot that disposes of MHSW waste on-site is not exempt from land disposal treatment requirements.

Land Disposal of Characteristic Waste

1. Land dispose **fully treated characteristic wastes** in an approved non-hazardous or hazardous waste facility.

2. Land dispose characteristic wastes that have been treated and meet the land disposal treatment requirements and are still hazardous waste only in an approved hazardous waste facility (e.g. some soils treated using the alternate treatment standards for soils can still be leachate toxic).

Note:

- i.) As of December 31, 2009, a characteristic waste that has been treated to remove the hazardous characteristic, but contains regulated constituents that are at or exceeds the concentrations in Schedule 6 and therefore cannot be land disposed, is still a subject waste. Once the waste is fully treated and can be land disposed, it is not a subject waste.

Land Disposal of Listed Wastes, Mixtures that Include a Listed Waste, or Waste Derived from a Listed Waste

1. Land dispose these wastes in an approved hazardous waste facility once they meet the land disposal treatment requirements.

This guide is for informational purposes only and is not intended to provide specific advice or recommendations in any circumstances. Moreover, this guide is not, and should not be construed as, legal advice. Please review Part V of the *Environmental Protection Act* and Regulation 347 (General – Waste Management) and, if you have any questions about the application or interpretation of these regulations or have other legal questions, you should consult a lawyer.

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